

State Government

See full summary documents for additional detail

H130 - East Coast Greenway/State Trails. (SL 2021-54)

Session Law 2021-54 authorizes the Department of Natural and Cultural Resources to add the East Coast Greenway to the State Parks System as a State trail.

This act became effective June 25, 2021.

H156 - Unclaimed Property Division Amendments/DMV Technical Changes. (SL 2021-13)

S.L. 2021-13 increases the amount of time the State Treasurer has to hold a public sale for abandoned property from three to five years after receiving the property, provides that a person may file a claim for property paid or delivered to the Treasurer if the amount exceeds \$5,000, and extends the Department of Motor Vehicle's (DMV) authority to adopt emergency rules pursuant to S.L. 2020-97, Coronavirus Relief Act 3.0.

The provision that extends DMV's authority to adopt emergency rules pursuant to Section 3.20 of S.L. 2020-97 became effective on March 31, 2021, and the remainder of the act became effective on April 27, 2021.

H160 - Retirement Service Purchase Rewrite Part II. (SL 2021-57)

S.L. 2021-57 amends service purchase requirements for the Teachers' and State Employees' Retirement System (TSERS), Local Governmental Employees' Retirement System (LGERS), and the Consolidated Judicial Retirement System (CJRS).

These changes became effective January 1, 2022 and apply to the purchase of creditable service occurring on or after that date.

The act also repeals duplicative statutes or those that are no longer necessary in TSERS and LGERS and these changes become effective July 1, 2022.

H163 - Treasury Administrative Changes. (SL 2021-58)

S.L. 2021-58 makes clarifying and administrative changes to statutes pertaining to the State Treasurer's Investment Programs, to the Local Government Commission, and to reports submitted to the Council of State. For specific information, please refer to the Bill Analysis.

The section of the act that pertains to public-private partnership construction contracts became effective July 1, 2021, and applies to contracts entered into, renewed, or modified on and after that date. The remainder of the act became effective June 28, 2021.

H168 - Retirement Administrative Changes Act of 2021. (SL 2021-75)

S.L. 2021-75 amends the Teachers' and State Employees' Retirement System (TSERS) and the Local Governmental Employees' Retirement System (LGERS) regarding contribution-based benefit cap liabilities, withdrawal liabilities, terminology, and the requirement to adopt written policies on special separation buyouts; it also provides authorization for Department of State Treasurer and the Supplemental Retirement Board to adopt fees; it amends the Optional Retirement Program with regard to Disability Income Plan overpayments; addresses the process for the special retirement allowance payments upon the death of a beneficiary; and contains a severability clause.

This act became effective July 1, 2021.

H196 - 2021 COVID-19 Response & Relief. (SL 2021-3)

S.L. 2021-3 (i) makes modifications to the State COVID-19 relief legislation and (ii) appropriates and provides additional guidance for expenditure of COVID-19 pandemic relief funds from the federal Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA).

Except as otherwise provided, this act became effective, March 11, 2021.

H264 - Emergency Powers Accountability Act. (Ratified)

House Bill 264 would create a definition of "concurrence of the Council of State" under the North Carolina Emergency Management Act, which would clarify how the Governor is to seek such a concurrence when exercising certain authorities and would require the Governor to seek concurrence of the Council of State in additional instances.

House Bill 264 was ratified by the General Assembly on October 21, 2021, and vetoed by the Governor on November 1, 2021.

H360 - Authorize Dan River State Trail. (SL 2021-55)

S.L. 2021-55 authorizes the Department of Natural and Cultural Resources (DNCR) to add the Dan River Trail in Stokes and Rockingham Counties to the State Parks System.

This act became effective June 25, 2021.

H366 - Regulatory Reform Act of 2021.

Sec. 1: Increase Limits on Public Employees Benefitting from Public Contracts. (SL 2021-117)

Section 1 of S.L. 2021-117 raises the dollar threshold for contracts exempted from the conflict-of-interest prohibition for public employees from \$40,000 to \$60,000 for goods and services that are not medically related. This section also increases the municipal population limits from 15,000 to 20,000.

This section became effective August 23, 2021, and applies to contracts executed on or after that date.

H366 - Regulatory Reform Act of 2021.

Sec. 5: Revenue Laws Study. (SL 2021-117)

Section 5 of S.L. 2021-117 requires the Department of Revenue (Department) to provide to the Revenue Laws Study Committee, information related to the property taxation of outdoor advertising signs, and any other issues deemed relevant by the Department. The requested information must be provided no later than March 31, 2022.

This section became effective August 23, 2021.

H366 - Regulatory Reform Act of 2021.

Sec. 7: Division of Emergency Management Study. (SL 2021-117)

Section 7 of S.L. 2021-117 requires the Division of Emergency Management (Division) of the Department of Public Safety to study the needs of law enforcement and first responders to improve access to the interstate system. The Division can consult with the Department of Transportation, the Office of State Fire Marshal of the Department of Insurance, the Office of Emergency Medical Services of the Department of Health and Human Services, or any other governmental organizations the Division deems necessary. The Division must report its findings to the Joint Legislative Oversight Committee on Justice and Public Safety, the Joint Legislative Emergency Management Oversight Committee, and the Joint Legislative Transportation Oversight Committee no later than March 1, 2022.

This section became effective August 23, 2021.

H461 - State Auditor Clarifying Amendments. (SL 2021-112)

S.L. 2021-112 makes various clarifying and technical changes to the laws that relate to the North Carolina State Auditor, as follows:

- Clarify that the definition of State agency includes political subdivisions
- Clarify the State Auditor's authority to conduct audits and investigate allegations of improper governmental activity under the policy guidance of the State Auditor, and define the term "investigation" for the purposes of the State Auditor's office

- Enhance the State Auditor's authority to request information as part of a verification audit by treating organizations that fail to provide requested information as if the organization failed to meet the qualifying standard subject to the verification audit

This act became effective August 23, 2021, except the enhanced authority for verification audits became effective October 1, 2021.

H489 - 2021 Building Code and Dev. Reg. Reform. (SL 2021-121)

S.L. 2021-121 amends laws that apply to general contractors; the State Building Code; and various laws pertaining to development regulation by local governments under Chapter 160D of the General Statutes including:

- Authorizing the State Licensing Board for General Contractors to require criminal background checks for licensure applicants, and making other changes to the laws that relate to the Board.
- Requiring the Building Code Council to obtain additional economic analysis or cost-benefit analysis on certain proposed revisions or amendments to the State Building Code.
- Establishing the beginning point for measuring sight distances at street intersections.
- Limiting the need for separate erosion control plans for development of individual residential lots where an approved master erosion control plan exists; providing for developer options when submitting erosion control plans for development of multiple residential lots; and prohibiting requiring a silt fence where certain topographic features exist.
- Requiring the Building Code Council to adopt rules amending provisions of the North Carolina Fire Code, the North Carolina Residential Code, and the North Carolina Plumbing Code.
- Amending Section 4 of S.L. 2020-61 with additional definitions and clarifications that relate to building and accessory building sewer systems and their permitting requirements.
- Requiring DOT to add approved subdivision street improvements designated as public to the State highway system for maintenance within 90 days.

Except as otherwise provided, this act became effective August 30, 2021. Sections 1(a) and 1(b) became effective January 1, 2022. Section 5(c) of this act became effective October 1, 2021. Section 9 became effective January 1, 2022.

H735 - Minimum Contracts/Coastal Dredging Services. (SL 2021-92)

S.L. 2021-92 exempts contracts for dredging services in the State's coastal waters from the requirement that a government entity receive three competitive bids for construction or repair work estimated to cost \$500,000 or more.

This act became effective July 22, 2021, and applies to bids received on or after that date.

S36 - 2020 COVID Relief Bill Modifications. (SL 2021-1)

Session Law (S.L.) 2021-1 makes modifications to the State COVID-19 relief legislation in light of the additional federal legislation and guidance.

This act has various effective dates. Except as otherwise provided, this act became effective February 10, 2021.

S105 - 2021 Appropriations Act.

Sec. 9F.19: Exempt Certain Employees of the Division of State Operated Healthcare Facilities from Most Provisions of the NC Human Resources Act. (SL 2021-180)

Section 9F.19 of S.L. 2021-180 amends the statute (G.S. 126-5(c1)) outlining employees that are exempt from certain provisions of the State Human Resources Act. This section provides that the following employees of the Division of State Operated Healthcare Facilities, Department of Health and Human Services (DHHS), are exempt from the provisions contained in the State Human Resources Act, except Articles 6 and 7, if they are (i) healthcare professionals licensed under Chapter 90 or Chapter 90B, or (ii) engineers responsible for maintenance or building operations at one of the health care facilities operated by the DHHS Secretary.

This act became law November 18, 2021, and this section became effective 30 days after it became law.

S105 - 2021 Appropriations Act.

Sec. 12.23: Revise Mining Commission Chair Designation/ Ex Officio Membership. (SL 2021-180)

Section 12.23 of S.L. 2021-180 provides that if the Governor has not designated a chair of the North Carolina Mining Commission (Commission) by July 1 of the year following the expiration of the term of the previous chair, then the vice-chair must exercise the powers and duties of the chair until either the Governor designates a chair or upon the expiration of the vice-chair's regularly appointed term, whichever comes first. Upon the expiration of the vice-chair's regularly appointed term, the Commission must elect a vice-chair, who will exercise the powers and duties of the chair until the Governor designates a chair.

Notwithstanding the above, this section provides that if the Governor has not designated a chair from the current membership of the Commission by December 15, 2021, then the vice-chair must exercise the powers and duties of the chair until the Governor designates a chair or upon the expiration of the vice-chair's regularly appointed term, whichever comes first.

This section modifies the required qualifications for one of the ex officio, nonvoting members of the Commission—substituting the Chair of the North Carolina State University Minerals Research Laboratory Advisory Committee with the Executive Director of the North Carolina State University Minerals Research Laboratory, or the Executive Director's designee.

This section became effective July 1, 2021.

S105 - 2021 Appropriations Act.

Sec. 38.8: Broadband Mapping. (SL 2021-180)

Section 38.8 of S.L. 2021-180 directs the Department of Information Technology (Department) to prepare and maintain statewide broadband maps and serve as the sole provider for broadband mapping for State agencies.

This section became effective July 1, 2021.

S126 - Clean Up Obsolete Boards. (SL 2021-90)

S.L. 2021-90 abolishes a number of boards and commissions and makes other changes to boards and commissions. The act has various effective dates. Please see the full summary for more information.

S159 - State Health Plan Administrative Changes. (SL 2021-125)

S.L. 2021-125 makes technical and clarifying changes to the State Health Plan. This act became effective August 30, 2021.

S172 - Additional COVID-19 Response & Relief. (SL 2021-25)

S.L. 2021-25 establishes the following reserves and funds to handle grant funds received by the State under the federal American Rescue Plan Act: State Fiscal Recovery Reserve and Fund, Coronavirus Capital Projects Reserve and Fund, and Local Fiscal Recovery Reserve and Fund. This act also appropriates funds from the Local Fiscal Recovery Fund for distribution to various local governments and appropriates grant funds provided to the State under the American Rescue Plan Act. Technical and other changes are also included in the legislation.

This act became effective May 24, 2021.

S219 - Surveyor Licensure & Education Requirements/Construction Contract Revisions. (SL 2022-1)

Session Law 2022-1 does the following:

- Modifies practical experience requirements applicable to persons seeking licensure as a professional land surveyor and makes technical changes to Chapter 89C of the General Statutes.
- Makes changes to the design-build contracting process.
- Clarifies provisions related to contracts that are deemed to be void as against public policy.
- Modifies the procedure for awarding attorneys' fees in actions to enforce statutory liens.

- Defines the term "supplier" for purposes of a provision prohibiting a supplier of alcoholic beverages from having an ownership interest in its wholesaler.

The act has various effective dates. Please see the full summary for more detail.

S277 - Retirement & Treasury Technical Corrections Act of 2021. (SL 2021-60)

Senate Bill 277 makes various technical and clarifying changes to the Teachers' and State Employees' Retirement System, the Local Government Commission, and the statutes allowing a limited license to practice law by out-of-state attorneys. It also removes the requirement that the treasurer report on university improvement general obligation bonds. The act became effective July 1, 2021.

S308 - Various Building Code Amend. (SL 2021-183)

S.L. 2021-183:

- Prohibits inspection departments from delaying the issuance of a temporary certificate of occupancy when additional violations are found, on items already approved, during reinspection.
- Clarifies electric wiring requirement references.
- Modifies one- or two- family dwelling residential development fire apparatus access road requirements where conformance is technically infeasible.

Except as otherwise provided, this act became effective November 23, 2021. Section 1 of this act became effective January 1, 2022. Section 3 became effective November 23, 2021, and will expire the date rules adopted, as required by that section, become effective.

S360 - Prohibit Collusive Settlements by the Attorney General. (Ratified)

Senate Bill 360 would require that when the Speaker of the House of Representatives (Speaker) and the President Pro Tempore of the Senate (President Pro Tempore) have jointly intervened as a party on behalf of the General Assembly, or are jointly named in their official capacities as parties to a dispute, claim, or controversy, both must approve any consent judgment or settlement agreement prior to the Attorney General entering into the judgment or agreement.

Senate Bill 360 was ratified by the General Assembly on September 16, 2021, and vetoed by the Governor on September 27, 2021. The substantive contents of Senate Bill 360 became law in subsequent legislation, effective November 18, 2021. See Section 18.7 of S.L. 2021-180.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 1: Modify Conditions for State Funding of Beach Access Property. (SL 2021-158)

Section 1 of S.L. 2021-158 eliminates the requirement under the Public Beach and Coastal Waterfront Access Program (Program) that local governments that receive grants under the Program for land acquisition transfer title to any real property to the State if used for non-beach/coastal water access purposes, and instead requires that:

- Local governments dedicate acquired lands in perpetuity for public access and for the benefit of the public and record such dedication in the office of the register of deeds in the relevant county.
- Leases or easements acquired with Program grant funds must have a minimum term of 25 years.
- Local governments that use real property acquired with Program grant funds for any purpose other than beach or coastal water access, or otherwise sell or dispose of the property, must reimburse the State in an amount that is the greater of (i) the amount of Program grant funds provided to purchase the land or (ii) an amount equal to the same proportion of the current market value of the property as the proportion of the original purchase price of the property funded with Program grant funds.

This section became effective September 16, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 2: Modernize Coastal Area Management Act Notification Requirements. (SL 2021-158)

Section 2 of S.L. 2021-158 removes the requirement that the Department of Environmental Quality (DEQ) notify interested parties of major Coastal Area Management Act permit applications and modification by regular mail.

This section became effective July 1, 2021 and applies to permit applications received on or after that date.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 3: Coastal Area Management Act Permit Third-Party Appeal Review Timeline. (SL 2021-158)

Section 3 of S.L. 2021-158 extends the Coastal Resources Commission's review period from 15 to 30 days for third-party challenges of a Coastal Area Management Act development permit decision.

This section became effective October 1, 2021 and applies to requests for determination of appropriateness received by the Coastal Resources Commission on or after that date.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 4: Stormwater Program Amendments. (SL 2021-158)

Section 4 of S.L. 2021-158 makes several amendments to the Department of Environmental Quality's (DEQ) Stormwater Management Program, including:

- Adding an annual compliance certification for new and existing stormwater permits, clarifying that the addition of the annual compliance certification is not a new or increased stormwater control, providing that DEQ must provide for electronic submission of the annual certification, and providing that DEQ may only require the permit holder or their designee, and not a different party, to submit the annual certification.
- Modifying the stormwater permit transfer process, including timelines for submitting permit transfer applications and providing for a schedule of remedial actions, as needed, to bring permitted activities into compliance with the approved stormwater plan and permit conditions.
- For low density permits issued prior to January 1, 2017 that have exceeded a permitted built-upon area, establishing a permit modification request mechanism to bring those projects into compliance with the existing or modified built-upon area limit.
- Providing that low density stormwater certifications and approvals issued prior to September 1, 1995, are revoked as of January 1, 2022, and the built upon area will be considered as "existing development" for the purposes of G.S. 143-214.7(a1).

This section became effective September 16, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 5: Conform Sedimentation and Erosions Control Program Penalty Remission Request Timeline. (SL 2021-158)

Section 5 of S.L. 2021-158 shortens the deadline to request a civil penalty remission under the Sedimentation and Erosion Control Program from 60 to 30 days.

This section became effective October 1, 2021 and applies to penalties assessed on or after that date.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 6: Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund Payment Request Timeline Extension. (SL 2021-158)

Section 6 of S.L. 2021-158 provides that if the Department of Environmental Quality (DEQ) requests additional information regarding the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund (Fund) reimbursement requests, the UST owner, operator, or landowner may have up to 30 days to

provide that additional information. The additional 30 days allowed by this section would not count against the 12-month deadline for making a reimbursement request.

This section became effective September 16, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 7: Modify and Simplify Hazardous Waste Site Notices. (SL 2021-158)

Section 7 of S.L. 2021-158 shortens the deadline to submit a survey plat and notice under the Inactive Hazardous Waste Site program from 180 to 90 days. This section also makes technical and clarifying changes to the language of the required notice.

This section became effective September 16, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 8: Revise and Clarify Basinwide Water Resources Management Plans. (SL 2021-158)

Section 8 of S.L. 2021-158 makes various technical and clarifying changes to the statute concerning basinwide water quality management plans, including requiring management plans to provide certain information regarding surface and groundwater resources, other withdrawals, permitted minimum instream flow requirements, and pertinent information contained in the local water supply and water shortage response plans. This section also defines North Carolina's 17 major river basins by the relevant 8-digit hydrologic unit code.

This section became effective September 16, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 9: Correct Inaccurate Statutory Reference. (SL 2021-158)

Section 9 of S.L. 2021-158 provides that the Department of Public Safety, not the Department of Environmental Quality, is responsible for supervising the sanitary and health conditions of the central prison, over the prison camps, or other places of confinement of prisoners under the jurisdiction of the Division of Adult Correction and Juvenile Justice within the Department of Public Safety.

This section became effective September 16, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 10: Modify Notice Requirement for Sedimentation and Erosion Control Program Violations. (SL 2021-158)

Section 10 of S.L. 2021-158 eliminates the requirement that a person receiving a notice of violation for the first time under the Sedimentation and Erosion Control Program be delivered that notice in person.

This section became effective October 1, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 11: Revise Sedimentation and Erosion Control Stop Work Order Procedures. (SL 2021-158)

Section 11 of S.L. 2021-158 repeals certain subsections of the statute governing stop-work orders issued for sedimentation and erosion control violations.

This section became effective October 1, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 12: Broaden Access to Department of Natural and Cultural Resources Library for the Blind and Physically Handicapped. (SL 2021-158)

Section 12 of S.L. 2021-158 broadens access to the North Carolina Library for the Blind and Physically Handicapped to include all people who are unable to use standard print materials due to reading challenges beyond visual or physical handicaps.

This section became effective September 16, 2021.

S389 - Department of Environmental Quality/Department of Natural and Cultural Resources Omnibus.

Sec. 12.5: Clarify Department of Natural and Cultural Resources Naming Rights. (SL 2021-158)

Section 12.5 of S.L. 2021-158 clarifies that the Department of Natural and Cultural Resources (DNCR) may recognize gifts by naming exhibits, features, or programs administered by DNCR.

This section became effective September 16, 2021.

S473 - Enhance Local Gov't Transparency. (SL 2021-191)

S.L. 2021-191 does the following:

- Requires the State Auditor (Auditor) to notify the Local Government Commission (Commission) when an audit report is the result of an investigation of a unit of local government, effective December 9, 2022.
- Allows the Commission, following the release of an investigative report, to be involved in that local government's audit process for up to three fiscal years, effective December 9, 2022 and applies to investigative reports conducted July 1, 2018 and after.
- Requires a local finance officer to garnish a board or council member's compensation in order to collect monies owed for unpaid county and city services, effective December 9, 2022.
- Creates a new felony offense for public officers who personally benefit financially from their position, effective January 1, 2022.
- Subject to certain exceptions, prohibits public officials from participating in making or administering a contract, including the award of money, with any nonprofit with which the public official is associated, effective January 1, 2022.

S542 - SHP Combat Fraud/Property Finders Stnds. (SL 2021-157)

S.L. 2021-157 allows the State Health Plan for Teachers and State Employees (Plan) to adopt a program encouraging Plan members to report fraud, waste, and abuse by a health care provider that provides services to Plan members and allows payment of an incentive to members. It also adds language to define and establish standards for a property finder which is a person or business who is hired for a fee or any other consideration by an owner of distributable or presumably abandoned property to locate, deliver, recover, or assist in the recovery of that property.

The portion of the act that pertains to property finders became effective January 1, 2022, and applies to agreements entered into on or after that date. The remainder of the act became effective September 16, 2021.

S636 - Donor Privacy. (Ratified)

Senate Bill 636 would protect the identity of persons giving money or tangible goods to nonprofits for furthering that nonprofit's charitable purpose. As ratified on August 26, 2021, the bill would have become effective October 1, 2021. The Governor vetoed the bill on September 3, 2021.

S668 - Anti-Pension Spiking Amds & Litig. Moratorium. (SL 2021-72)

S.L. 2021-72 authorizes an additional payment option for a contribution-based benefit cap (CBBC) liability, outlines responsibilities for CBBC liabilities when the final employer of a member is not the member's employer for average final compensation calculations, provides an adjustment to the formula for reduced retirements with CBBC liabilities, provides for a litigation pause and establish a workgroup that may provide a report on the anti-pension spiking contribution-based benefit cap to the Joint Legislative Oversight Committee on General Government, and provides early notification to the Local Government Commission on proposed financing arrangements.

The full summary of the act outlines various effective dates, otherwise the act became effective July 2, 2021.